

A portion of the Motor Fuel tax collected by the Illinois Department Of Revenue is distributed by the Illinois Department of Transportation to local governments. See 35 ILCS 505/8. (This is a GIL).

February 29, 2000

Dear Xxxxx:

This letter is in response to your letter dated January 7, 2000. The nature of your letter and the information you have provided require that we respond with a General Information Letter, which is designed to provide general information, is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120(b) and (c), enclosed.

In your letter, you have stated and made inquiry as follows:

This letter of inquiry is being written on behalf of the COMPANY in order to determine the feasibility of reimbursement for street maintenance.

Since the streets in the COMPANY complex are considered private, the Village of VILLAGE does not provide any type of service (cleaning, plowing, salting, patching, etc.) to maintain their good condition. These activities are paid for solely through the monthly maintenance fees of the COMPANY residents. However, representatives of our association who have met with various Village officials have been informed that VILLAGE receives reimbursement by the Illinois Motor Fuel Tax Division for its expenditures in the maintenance of all public streets in the village. This being the case, is the COMPANY, as an incorporated association, entitled to the same type of treatment in regard to reimbursement for street maintenance?

We appreciate your cooperation in this matter and look forward to a written response to this inquiry.

Please be informed that although the Illinois Department of Revenue collects the Motor Fuel Tax, it is the Illinois Department of Transportation that distributes it to local units of government. Section 8 of the Motor Fuel Tax Law, 35 ILCS 505/8, states in part that the Department of Revenue shall reserve an amount of the tax to pay

“[t]he costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts.”

Questions about the Department of Transportation's distribution of Motor Fuel Tax can be addressed to the Department of Transportation at phone number (217) 782-3970. The Department of Transportation also maintains a web page that can be accessed at www.dot.state.il.us.

I hope this information is helpful. The Department of Revenue maintains a Web site, which can be accessed at www.revenue.state.il.us. If you have further questions related to the Illinois sales tax laws, please contact the Department's Taxpayer Information Division at (217) 782-3336.

If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of the enclosed copy of Section 1200.110(b).

Very truly yours,

Karl W. Betz
Associate Counsel

KWB:msk
Enc.